

### **312.019 Powers of board.**

- (1) The board shall administer the provisions of this chapter and the administrative regulations promulgated by the board relating to the practice of chiropractic.
- (2) The board shall pass upon the qualifications of applicants for a license, certification, or registration to practice chiropractic. It shall examine, license, certify, register, and renew the license, certification, or registration of duly qualified applicants.
- (3) The board may deny, revoke, limit, impose probationary conditions, refuse to renew, or suspend any license, certification, or registration issued by it.
- (4) The board shall adopt a seal which shall be affixed to all licenses, certifications, and registrations issued by the board and to such other documents as the board deems necessary.
- (5) The board shall regulate the practice of chiropractic by persons licensed or certified by it and shall enforce the provisions of this chapter and the administrative regulations of the board. The board may investigate violations and cause the prosecution of persons violating the provisions of this chapter or the administrative regulations promulgated by the board.
- (6) The board may employ such personnel and incur such expenses as may be necessary for the performance of its duties and the enforcement of this chapter.
- (7) The board may prescribe and collect reasonable fees for the issuance and renewal of licenses, certifications, and registrations and the administration of examinations as provided in KRS 312.095 and 312.175.
- (8) The board may inspect at all reasonable times any chiropractic office or place where chiropractic services are performed and inspect chiropractic records, a copy of which may be obtained by the board, and question all persons.
- (9) The board may promulgate and from time to time amend administrative regulations, consistent with the provisions of this chapter and in accordance with the provisions of KRS Chapter 13A, governing the practice of chiropractic and the diagnosis and treatment of patients, the enforcement of this chapter and the proper performance of its duties, including but not limited to:
  - (a) A code of ethical conduct governing the practice of chiropractic;
  - (b) Requirements, standards, and examinations to determine the moral, physical, intellectual, educational, scientific, technical, and professional qualifications of applicants for licenses and certifications;
  - (c) Matters pertaining to the content and conduct of examinations;
  - (d) Matters pertaining to the operation and registration of chiropractic clinics;
  - (e) Matters pertaining to the practice and certification of chiropractic specialties by licensed doctors of chiropractic;
  - (f) The type, character, and location of postgraduate study to be done by any licensee in order to comply with the provisions of KRS 312.175;
  - (g) Regulation of forms of advertising or solicitation that are false, misleading, or deceptive or otherwise in violation of this chapter. The board may require a seventy-two (72) hour rescission period for consumers responding to certain

forms of solicitation or advertising proposing or offering a series or course of treatments. The board may require that advertisements or solicitations stating coverage available from third-party payors include a conspicuous notice that persons may be required to submit to an independent evaluation which may result in a determination that the all or part of the services are unreasonable or unnecessary;

- (h) Establishing a recommended course of pre-chiropractic education to be completed prior to entry into chiropractic college and the establishment of a preceptorship program for students enrolled in accredited chiropractic colleges that conform to KRS 312.085 to meet the standards of accreditation of the Council on Chiropractic Education.
  - (i) Registration and regulation of chiropractic management consultants operating in Kentucky. The board may impose annual registration fees not to exceed two hundred dollars (\$200); and
  - (j) Establishing minimum standards for recordkeeping in chiropractic offices, the issuance of itemized statements, and requiring that any record or report include the name of the treating chiropractor.
- (10) The board shall develop specific guidelines to follow upon receipt of an allegation of sexual misconduct by a chiropractor licensed by the board. The guidelines shall include investigation, inquiry, and hearing procedures which ensure the process does not revictimize the alleged victim or cause harm if a chiropractor is falsely accused.
- (11) The board, the hearing officer, and investigators hired by the board shall receive training on the dynamics of sexual misconduct of professionals, including the nature of this abuse of authority, the characteristics of the offender, the impact on the victim, the possibility and the impact of false accusations, investigative procedure in sex offense cases, and effective intervention with victims and offenders.

**Effective:** June 24, 2003

**History:** Amended 2003 Ky. Acts ch. 126, sec. 1, effective June 24, 2003. -- Amended 1994 Ky. Acts ch. 265, sec. 17, effective July 15, 1994; and ch. 470, sec. 18, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 252, sec. 2, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 426, sec. 6, effective July 15, 1988. -- Created 1976 Ky. Acts ch. 359, sec. 4, effective June 19, 1976.

**Legislative Research Commission Note** (7/15/94). This statute was amended by 1994 Ky. Acts chs. 265 and 470, which were companion bills and are substantively identical. These Acts have been codified together. For the few minor variations between the Acts, Acts ch. 470 prevails under KRS 446.250, as the Act which passed the General Assembly last.

**2002-2004 Budget Reference.** See State/Executive Branch Budget, 2003 Ky. Acts ch. 156, pt. V, item 2(A)(24), at 1852; and State/Executive Branch Budget Memorandum, 2003 Ky. Acts ch. 143, at 437 (Final Budget Memorandum, at 5).